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October 25, 2022

**Via ECF**

United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722-4451  
Attention: Magistrate Judge James M. Wicks

Re: **Volpe v. Ryder, et al**  
19-cv-02236 (JMA)(JMW)

Magistrate Wicks:

As the Court is aware, this office represents the plaintiff, Charles Volpe, in this matter.

We are in receipt of Your Honor's Decision on our Motion to Compel production of Commissioner Ryder's department cell phone for examination by a vendor retained by Plaintiff. I note that in the second to last paragraph of the Decision, Your Honor mentions an unlimited search of his cell phone. I would just like to clarify that Plaintiff does not intend to conduct an unlimited search and would agree to new search terms as those previously utilized yielded no results. With that in mind, we respectfully ask that Your Honor reconsider his Decision.

Should Your Honor decline to reconsider the Decision, we would respectfully request leave to retain an expert to review the report on the examination of the Commissioner's phone by the Department Electronics Squad and the deposition testimony of Detective Brady together with the report of retired Officer McDermott's phone extraction. This request is made in light of the Court's Decision mindful of the fact that the parties had previously represented to the Court that we did not intend to retain expert witnesses. I have communicated the fact that I would be making this request to Mr. Zuckerman so as to give him the opportunity to consider whether he would wish to retain a rebuttal expert.

We thank the Court for its consideration.

Respectfully,



GINA M. ARNEDES (4821)

GMA:bb

cc: **Via ECF**  
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